

# Agenda

## Environmental Protection Commission

October 20, 1997  
 10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

### Public Participation

10:30 A.M.

APPOINTMENTS: Jerry Yeoman & ~~Rob Jahries~~ (tire disposal)

11:00 A.M.

Dave Hughes (Item #13 -Weber Construction)

2:00 P.M.

Mark Landa (Item #14 -Organic Tech. Corp.)

1:15 p.m.

### Agenda topics

- |                                                                                                                                            |                            |
|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 1. Approve Agenda                                                                                                                          |                            |
| 2. Approve Minutes of September 15, 1997                                                                                                   |                            |
| 3. Director's Report                                                                                                                       | Larry Wilson (Information) |
| 4. Budgeting for Results                                                                                                                   | Stan Kuhn (Information)    |
| 5. Landfill Alternatives Financial Assistance Program, Composting Initiative Contracts                                                     | Sharon Timmins (Decision)  |
| 6. Monthly Reports                                                                                                                         | Allan Stokes (Information) |
| 7. Air Quality Agreement with UNI, Iowa Air Emissions Assistance Program, Agreement Number 98-7230-01                                      | Allan Stokes (Decision)    |
| 8. Contract for Consturction Permits for Air Emission Sources                                                                              | Allan Stokes (Decision)    |
| 9. Notice of Intended Action--Chapter 134, Registration of Groundwater Professionals                                                       | Allan Stokes (Decision)    |
| 10. Notice of Intended Action--Chapters 49, 60, 64 & 69, Nonpublic Water Well Construction and Private Sewer System Construction Standards | Allan Stokes (Decision)    |
| 11. Final Rule--Chapter 64, Stormwater General Permits                                                                                     | Allan Stokes (Decision)    |
| 12. Proposed Contested Case Decision--Richard Girres                                                                                       | Allan Stokes (Decision)    |
| 13. Contested Case Decision Appeal--Weber Construction, Inc.                                                                               | Allan Stokes (Decision)    |

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|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 14. | Contested Case Appeal--Organic Technologies Corporation                                                                                                                                                                                                                                                                             | Allan Stokes (Decision)    |
| 15. | Referrals to the Attorney General <ul style="list-style-type: none"><li>a) Daryl Larson (Delmar)</li><li>b) Dean Williams (Stuart)</li><li>c) John Adam (Keokuk Co.) (tabled)</li><li>d) Daniel Jay Peterson, dba Peterson Backhoe (Dumont)</li><li>e) Home Asbestos &amp; Lead Abatement Services, Inc (West Des Moines)</li></ul> | Allan Stokes (Decision)    |
| 16. | Earthen Lagoons & Water Quality                                                                                                                                                                                                                                                                                                     | Allan Stokes (Information) |
| 17. | 1998 Legislation                                                                                                                                                                                                                                                                                                                    | Don Paulin (Information)   |
| 18. | General Discussion                                                                                                                                                                                                                                                                                                                  |                            |
| 19. | Address Items for Next Meeting                                                                                                                                                                                                                                                                                                      |                            |

### Next Meeting Dates

November 17, 1997  
Decemer 15, 1997  
January 20, 1998 (Tuesday)

ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 20, 1997

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
JANE McALLISTER	AHLERS LAW FIRM	DSM
Cathy Woollums	MidAmerican Energy Co.	Davenport
Tom Reichard	Cerro Gordo County	Mason City
Jody Gates	City of Ottumwa	Ottumwa.
Jean Zolke	GROW MARK	Bloomington, IL
Dan Vest	GROW MARK	Bloomington, IL
Perry Beeman	Dm Register	Dm
Regina Thurg		Waterloo
Linda King	IDED	DSM
John R. Mather	Sunna Club	DS more
DAVE Hughes	SELF	CASCADE
Chris Gault	Farm Bureau	DSM
Jerry Young	Bee Petz Tire	Rhodes
Marilyn Helterman		Carlisle, IL

ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 20, 1997

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Lloyd L. Rollier	Brower Const.	Sioux City IA
Eldon McAfee	Beving Law	DSM

Lew Olson

Mick Klemesrud	DNR
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Kathleen Wrenner

DNR

Dubkozel

Mark Lamm

Scott Yocum

Brad Azeltine

Sen Andy McKeon

Legislative Fiscal Bureau

Sullivan & Ward, PC,

Boyan Cave

DOT

DSM

KC MO

Ames

14  
RECORD COPY EPC Meeting  
File Name ADM-1-1-1 Oct. 1997  
Gardner Initials JG.

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**OCTOBER 20, 1997**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**



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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, October 20, 1997, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

William Ehm, Chair  
Randal Giannetto  
Rozanne King  
Dean McWilliams  
Charlotte Mohr, Secretary  
Terrance Townsend, Vice-Chair (arrived 10:25 a.m.)  
Rita Venner

### MEMBERS ABSENT

Gary Priebe  
Kathryn Murphy

Director Wilson noted that Gary Priebe called to say he will not be able to attend today's meeting as he is in the field, and Kathryn Murphy phoned and said she has a conflicting meeting today.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Mark Landa (Item #14-OTC Contested Case) 1:15 p.m.

*Motion was made by Rozanne King to approve the agenda as amended. Seconded by Dean McWilliams. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

*Motion was made by Charlotte Mohr to approve the meeting minutes of September 15, 1997, as presented. Seconded by Rita Venner. Motion carried unanimously.*

APPROVED AS PRESENTED
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## DIRECTOR'S REPORT

Larry Wilson, Director, distributed copies of Des Moines Register articles entitled "Corps Drops Planned Island Dump," and "Toughen Standards for Water, Say Groups." He reviewed that at last month's meeting he noted there was a request by the COE to place dredge spoil on Island 189 where Turkey River confluent with the Mississippi River. He related that the department asked the Corps not to plan on disposing a spoil site on that island. He noted that they appealed that decision, which went before an Administrative Law Judge, and subsequently had planned to appeal to the Commission. Mr. Wilson indicated that they have decided not to appeal the permit to the Commission, adding that COE staff are working with DNR staff on developing a better, alternative site. He stressed that it is not the goal of the DNR to stop trafficking on the Mississippi River. He related that it is the goal of the DNR to make absolutely certain that when dredging is going to occur that it is done in the most environmentally sound, safe, natural resource type of occurrence as possible.

Director Wilson noted that he found the following comment by the COE troublesome: "Another option would be to not clear the channel and if the traffic is blocked so be it." Mr. Wilson stated that is really not an option. He related that there are alternatives and it is not the DNR's goal to close any channel traffic on the river. He stated that the department cannot allow degradation of good quality habitat and public resources because the COE wants to dispose of spoil in the least expensive way.

Mr. Wilson asked Allan Stokes to respond to the Des Moines Register article entitled "Toughen Standards for Water, Say Groups."

Mr. Stokes stated that the recent 305B Water Quality Report covers the years of 1994-95 and some folks tend to look at the report a little out of context. He gave an overhead presentation and covered the following: 1) Four classifications to look at in classifying water bodies as to whether they are fully supporting their designated uses, which means they have healthy aquatic communities and slight or no water quality impacts due to either point or nonpoint source pollution in violations of water quality criteria. 2) Waters assessed as fully supported but threatened, which means they fully support designated uses but may not fully support uses in the future because of anticipated sources of pollution or adverse pollution trends. Mr. Stokes noted that most of the waters in Iowa are going to be in the fully supported and threatened category because most of the problems in the states's surface waters are as a result of nonpoint source pollution runoff from agricultural ground, primarily sediments. 3) The third category covers waters assessed as partially supporting designated uses. Mr. Stokes stressed that DNR does not consider water bodies that are listed in this category as indicating that a water body is too polluted to support basic uses. 4) This category covers waters assessed as not supporting designated uses. He expanded on each of these classifications. Mr. Stokes displayed an overhead showing a table of assessments for 1994-95. He related that the report shows that the state's water bodies are in good shape. He noted that it is more of a positive story than one

would believe by reading the press story, adding that Iowa residents have a good quality surface and groundwater.

Director Wilson reported that Sharon Timmins is taking over the duties of WMA Division Administrator until a new administrator is selected for that position. He noted that he has an interview team working on selecting the three final candidates for recommendation to the Director.

<b>INFORMATIONAL ONLY</b>
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## **BUDGETING FOR RESULTS**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

As described during budget presentations to commissions this summer, the DNR is preparing supplementary budget information under the Budgeting for Results (BFR) initiative.

A staff presentation was made to both commissions about a year and a half ago regarding BFR. Briefly, The Governor's office, through DOM and the Council on Human Investment (CHI) is attempting to develop a budgeting approach which focuses more strongly on results as compared to the current focus on revenues and input expenditures(salaries, travel, etc.).

DNR managers have been attempting to describe their programs in BFR terms. The attached BFR forms include (1) a summary for each division including funding and a schedule of division programs, and (2) a "program" description, budget and performance measures and data trends.

The budget, as presented in BFR terms, attempts to focus on results and performance measures at an appropriate level for policy makers; Directors, commissioners, Governor's Office and the General Assembly.

A particular challenge for all of us involves determining the appropriate "program" to be defined and reported; and the related performance measures. The BFR process attempts to focus on outcomes or results. As a further aid to policy makers, managers have also been encouraged to provide output or efficiency measures.

At this stage of development, BFR is very much a work in progress. We need input from policy makers regarding what level of "program" reporting they wish to see, and what performance measures or data they believe will best aid them in policy deliberations and decisions.

Subsequent to this presentation, staff will be meeting with DOM and LFB staff to refine programs and measures. We will also be actively soliciting input from commissioners and legislators through the coming months. Our intent is to use this input and improve the BFR information for the FY2000 budget cycle, and use BFR more aggressively for management and policy purposes.

(A copy of the Budgeting for Results Initiative is on file in the department's Records Center)

Mr. Kuhn explained the Budgeting for Results concept and process. He asked the Commission to provide him their comments on what they like about it and on areas that could be improved in the BFR process.

<b>INFORMATIONAL ONLY</b>
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Terrance Townsend arrived at this point in the meeting (10:25 a.m.)

## **PUBLIC PARTICIPATION**

Chairman Ehm announced Public Participation at 10:30 a.m.; no one requested to speak.

## **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM**

Sharon Timmins, Bureau Chief, Waste Management Assistance Division, presented the following item.

The Department received four (4) Composting Initiative applications for funding consideration the first Monday in August 1997. Applications were reviewed by a four person committee representing the Department of Natural Resources (2), Department of Agriculture and Land Stewardship (1) and US Environmental Protection Agency, Region 7 (1) who serve on the Iowa Composting Advisory Committee. Composting Initiative award recommendations from this round of funding has been completed with the selection of three (3) applications to receive a total of \$750,000. The Composting Advisory Committee unanimously endorsed the review team recommendations at its August 27, 1997, committee meeting.

The Composting Initiative is intended to assist Iowa's solid waste planning areas achieve the 50 percent reduction goal, as established by the Waste Reduction and Recycling Act of 1989. This Composting Initiative provides financial assistance to implement composting programs; expand existing composting facilities including the types of materials accepted for composting; and to develop, improve and expand markets for finished compost.

The Composting Initiative targets landfill diversion projects through the composting of organic materials **other than or in addition to yard wastes, animal wastes, and/or biosolids** (municipal sewage sludge), and compost market development projects.

The following provides a brief description of the three (3) projects recommended for funding.

<b>Applicant:</b>	Resource Conservation and Development for Northeast Iowa, Inc. (RC&D) 101 Greene, PO Box 916 Postville, Iowa 52162-0916	<b>Applicant:</b>	Private Not For Profit
<b>Award:</b>	\$70,524 -- Grant	<b>Contact:</b>	Jim Frederick 319-864-7112
<b>Project Type:</b>	Market Development		
<b>Project Title:</b>	<i>Statewide Compost Market Assessment and Market Development Plan</i>		
<b>Description:</b>	<p>The applicant is proposing to conduct a quantitative study of current and potential compost usage including an approach to assist new and existing compost facilities by providing resources to address compost marketing issues. Upon project completion new and existing compost producers will be able to rapidly identify potential markets, provide information to potential end users, determine compost value, and develop long term marketing strategies.</p> <p>Specific goals will be to:</p> <ol style="list-style-type: none"> <li>create baseline marketing data;</li> <li>quantify current compost usage and value;</li> <li>create database of end user compost requirements, areas of greatest demand, available market and product value per regions of the state;</li> <li>reduce barriers related to lack of market knowledge;</li> <li>quantify current compost markets and estimate future volumes which can be marketed</li> <li>develop recommendations to increase marketable volumes and product value;</li> <li>provide educational materials to allow compost producers to address user concerns; and</li> <li>provide a compendium of current compost use in Iowa with contacts at existing producer facilities.</li> </ol> <p>Financial assistance is requested for wages, travel and supplies.</p>		

<b>Applicant:</b>	Ottumwa/Wapello County Solid Waste Commission 105 E. Third, City Hall Ottumwa, Iowa 52501	<b>Applicant:</b>	Local Government
<b>Award:</b>	\$ 463,687 \$ 190,000 -- Grant \$ 273,687 -- Loan	<b>Contact:</b>	Jody Gates 515-683-0694
<b>Project Type:</b>	Combination Grant and Loan		
<b>Project Title:</b>	<i>Regional Composting Program and Facility</i>		
<b>Description:</b>	<p>The applicant is proposing to construct and operate an open windrow composting facility serving Wapello, Davis and Van Buren Counties. Organic wastes from commercial and industrial generators will initially be targeted. As an incentive for these generators to separate their organic waste stream for</p>		

delivery to the composting facility, a yet to be determined reduced tipping fee will be implemented.

Specific overall goals of the composting program include:

- a. develop a finished product that can be sold as potting soil;
- b. divert an additional 2,820 tons of organics, approximately 10% of current landfilled waste;
- c. provide suitable material for final cover at the landfill;
- d. target additional organic wastes;
- e. provide a model operation for other solid waste management entities; and
- f. offer a lower disposal fee to business and industries that generate organic waste materials.

Financial assistance is requested for construction and equipment.

<b>Applicant:</b>	Davenport Compost Facility, City of Davenport 2707 Railroad Avenue PO Box 3606 Davenport, Iowa 52808		
<b>Award:</b>	\$ 215,789 -- Grant	<b>Applicant:</b>	Local Government
<b>Project Type:</b>	Market Development	<b>Contact:</b>	Scott Plett 319-328-7225
<b>Project Title:</b>	<i>Compost Operations Expansion and Product Availability Education</i>		
<b>Description:</b>	The applicant is proposing to expand operations that will increase marketability of finished compost. Specific operations expansion include the purchase and operation of compost turf application equipment, finished compost bagging equipment designed to open new markets and the purchase of a semi trailer to facilitate distribution of bagged product to new markets.		
	The applicant is also proposing to increase publicity/awareness of the availability and benefits of using finished compost through several forms of media in the Quad Cities area. It is a goal of the applicant to increase demand to a level that exceeds finished compost supply.		
	Financial assistance is requested for advertising, equipment, building modifications, walking floor semi-trailer and wages.		

At this time, Composting Initiative contracts are presented to the Commission for approval

(A copy of the Scope of Work for each project is on file in the department's Records Center)

Sherry Timmins reviewed details of each contract.

Discussion followed regarding composting, turf applicators, standards for composting material, and the demand for grant dollars greatly exceeding the needs.

*Motion was made by Rozanne King to approve the Landfill Alternatives Financial Assistance Program Composting Initiative Contracts as presented. Seconded by Charlotte Mohr. Motion carried unanimously.*

APPROVED AS PRESENTED

## MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

## RULEMAKING STATUS REPORT October 1, 1997

PROPOSAL	NOTICE TO COMM.	NOTICE PUBLISH	RULES REVIEW COMM.	HEARING	FINAL SUMMARY TO COMM.	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM.	RULE EFFECTIVE
1. Ch. 44 - Drinking Water Revolving Fund	8/18/97	9/10/97	10/07/97	10/7,13-17/97	*11/17/97	*11/17/97	*12/18/97	*1/06/98	*1/21/98
2. Ch. 49, 64 and 69 - Nonpublic Water Well Construction and Private Sewer System Construction Standards	10/20/97	*11/19/97	*12/08/97	-----	*1/19/98	*1/19/98	*2/11/98	*3/09/98	*3/18/98
3. Ch. 50, 51, and 52 - Agricultural Drainage Wells	8/18/97	9/10/97	10/07/97	10/7,8,10/97	*11/17/97	*11/17/97	*12/18/97	*1/06/98	*1/21/98
4. Ch. 60, 62 and 63 - Effluent and Pretreatment Standards; Monitoring, Analytical Reporting Requirements	-----	-----	-----	-----	9/15/97	9/15/97	10/08/97	*11/10/97	*11/12/97
5. Ch. 64 - General Permits -- Stormwater	6/16/97	7/16/97	8/19/97	8/07/97	10/20/97	*10/20/97	*11/19/97	*12/08/97	*12/24/97
6. Ch. 65 - Animal Feeding Operations	7/21/97	8/13/97	9/08/97	9/2-4,8,9,11/97	*11/17/97	*11/17/97	*12/18/97	*1/06/98	*1/21/98
7. Ch. 134 -									

Registration of Groundwater Professionals	10/20/97	*11/19/97	*12/08/97	-----	*1/19/98	*1/19/98	*2/11/98	*3/09/98	*3/18/98
8. Ch. 211 - Grants for Regional Centers	6/16/97	7/16/97	8/19/97	8/08/97	9/15/97	9/15/97	10/08/97	*11/10/97	*11/12/97
9. Ch. 213 - Packaging - Heavy Metal Content	5/19/97	6/18/97	7/09/97	7/08/97	9/15/97	9/15/97	10/08/97	*11/10/97	*11/12/97
10. Ch. 214 - Household Hazardous Materials Program	6/16/97	7/16/97	8/19/97	8/08/97	9/15/97	9/15/97	10/08/97	*11/10/97	*11/12/97
11. Ch. 216 - Regents Tire Derived Fuel Program	-----	-----	-----	-----	9/15/97	9/15/97	10/08/97	*11/10/97	*11/12/97

### Monthly Variance Report - September 1997

No.	Facility	Program	Engineer	Subject	Decision	Date
1	Griffin Pipe Products Co.-Council Bluffs	Air Quality		Permit Requirements	Denied	09/25/97
2	Lake Mills Municipal Utilities	Air Quality		Permit Requirements	Approved	09/17/97
3	Pella Corporation-Carroll	Air Quality		Emission Standard	Denied	09/17/97
4	Pella Corporation-Pella	Air Quality		Emission Standard	Denied	09/17/97
5	Vermeer Manufacturing Co.-Pella	Air Quality		Permit Requirements	Approved	09/23/97
6	Orient-(Southern Iowa Rural Water Association)	Wastewater	Howard Green Company	R. Number of Lagoon Cells	Approved	09/17/97
7	Orient-(Southern Iowa Rural Water Association)	Wastewater	Howard Green Company	R. Valve Pit	Partial Approval	09/17/97
8	Orient-(Southern Iowa Rural Water Association)	Wastewater	Howard Green Company	R. Buried Discharge Valves	Denied	09/17/97
9	Waterloo, City of	Wastewater	Wayne Claassen Engineering	Sewer Grade	Approved	09/15/97
10	Lucas County-Chariton Bridge & Culvert	Flood Plain	Calhoun-Burns & Associates, Inc.	Freeboard	Approved	09/05/97
11	Mills County-Waubonsie Creek-Watershed Site M-4	Flood Plain	NRCS	Freeboard	Approved	09/29/97
12	Mills County-Waubonsie Creek-Watershed Site M-5	Flood Plain	NRCS	Freeboard	Approved	09/29/97
13	Diamond D Trailer Mfg. Co.-Shenandoah	Wastewater		Monitoring Frequency	Approved	09/15/97



14	Lee Crawford Quarry Company-Linn County	Solid Waste	Red Ball Enterprises	Coal Combustion Residue	Approved	09/30/97
15	Lee Crawford Quarry Company-Linn County	Solid Waste	Red Ball Enterprises	Permit Exemptions	Approved	09/30/97
16	Muscatine County Sanitary Landfill	Solid Waste	City Engineer's Office	Groundwater Monitoring	Approved	09/26/97
17	Fairfield, City of	Watersupply	French-Reneker-Associates, Inc.	Construction Materials	Approved	09/08/97
18	Fairfield, City of	Watersupply	French-Reneker-Associates, Inc.	Installation Procedures	Approved	09/08/97
19	IES Utilities, Inc.-West Ames Facility	Watersupply	Shive-Hattery	Design Basis	Approved	09/08/97
20	Marshalltown, City of	Watersupply	City of Marshalltown	Unit Flow Rates	Approved	09/10/97
21	Marshalltown, City of	Watersupply	Fox Engineering	Unit Flow Rates	Approved	09/29/97
22	Rathbun Rural Water Association, Inc.-Centerville	Watersupply	Bartlett and West	Design Basis	Approved	09/16/97

### Monthly Spill Report - September 1997

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipe-line	Highway Incident	RR Incident	Fire	Other
Oct.	52(64)	28(37)	10(9)	14(18)	31(21)	0(0)	13(35)	4(3)	0(1)	4(4)
Nov.	33(52)	18(34)	9(7)	6(11)	16(25)	0(4)	12(21)	2(1)	0(0)	3(1)
Dec.	33(56)	20(30)	3(11)	10(15)	16(28)	1(2)	12(21)	0(2)	1(1)	3(2)
Jan.	39(42)	28(18)	49(10)	7(14)	20(24)	1(0)	15(13)	2(1)	0(0)	1(4)
Feb.	54(55)	29(36)	7(11)	18(8)	29(37)	2(1)	20(12)	1(2)	2(1)	0(2)
Mar.	53(59)	37(44)	9(6)	7(9)	29(29)	0(0)	16(28)	4(0)	0(0)	4(2)
Apr.	64(93)	33(41)	25(37)	6(15)	28(37)	0(1)	30(36)	2(3)	0(2)	4(14)
May	103(100)	35(46)	53(34)	15(20)	33(31)	2(2)	61(58)	4(1)	1(0)	2(8)
Jun.	81(67)	42(38)	20(19)	19(10)	49(26)	3(3)	23(30)	6(1)	0(0)	0(7)
Jul.	81(88)	42(50)	18(24)	21(14)	38(50)	5(2)	32(30)	2(1)	0(1)	4(4)
Aug.	34(57)	20(34)	6(10)	8(13)	18(32)	2(2)	11(16)	1(0)	1(0)	1(7)
Sept.	101(73)	53(45)	24(10)	24(18)	54(30)	3(6)	39(27)	2(3)	0(0)	3(7)

(numbers in parentheses for the same period in fiscal year '96)

## Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
15	18	10	12	22	24

**ENFORCEMENT REPORT UPDATE**

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Finishing Unit #9, Hamilton Co. (2)	Wastewater	Construction Contrary to Permit	Consent Order	9/2/97
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Finishing Unit #8, Hamilton Co. (2)	Wastewater	Construction Contrary to Permit	Consent Order	9/2/97
North Central Cooperative, Clarion (2)	Wastewater; Haz. Condition	Prohibited Discharge; Remedial Action	Order/Penalty \$2,000	9/2/97
Big-Ten Mart/Truck Stop, Lowden (6)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate, Other; Public Notice	Order/Penalty \$2,500	9/2/97
Anthony's Resort, Sherrill (1)	Drinking Water	MCL - Bacteria	Amended Order	9/2/97
Walnut Grove Water Co., Davenport (6)	Drinking Water	Monitoring/Reporting-Bacteria; MCL-Bacteria; Public Notice	Order/Penalty \$2,500	9/2/97
Meadow View Country Club, Central City (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty \$800	9/2/97
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Nursery Unit #5, Wright Co. (2)	Wastewater	Construction Contrary to Permit	Consent Order	9/12/97
Austin J. DeCoster d/b/a DeCoster Farms of Iowa, Nursery Unit #6, Wright Co. (2)	Wastewater	Construction Contrary to Permit	Consent Order	9/12/97
West Burlington, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Order	9/19/97

Iowa Select Farms, L.P., Gast Finishing Farm, Hardin Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$1,500	9/19/97
Terry Gast, Hardin Co. (2)	Wastewater	Prohibited Discharge	Order	9/19/97
Big-Ten Mart/Truck Stop, Lowden (6)	Drinking Water	MCL - Bacteria (Acute)	Emergency Order	9/24/97

### SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsma d/b/a OK One Stop Service	UT	2,000	9-01-95



(Hospers)			
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart	UT	600	2-21-96
(Chapin)			
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking	AQ	2,000	3-11-96
(Dubuque)			
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
Plantation Village Mobile Home Park	WW	1,000	8-01-96
(Burlington)			
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
*Dan Peterson d/b/a Peterson Backhoe	AQ	500	9-22-96
(Dumont)			
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Howard Victor and Wanda Victor (Des Moines)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for	AQ/SW	1,000	1-03-97
Mobile Homes;			
M A, Inc. (Burlington)			
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
*First United Methodist Church (Ft. Madison)	AQ	500	2-01-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk	UT	600	2-19-97
(Prole)			
*Orville Long (Polk Co.)	SW	400	3-10-97
Thurman, City of	WR	100	3-17-97
Ballard Golf & Country Club (Story Co.)	WR	100	3-23-97
Rodney, City of	WS	100	4-07-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
Ronald Slocum; Tammy Lynn Determan	SW	10,000	5-24-97
(Marshall Co.)			
Tom Ashland (Clear Lake)	UT	5,300	6-04-97
*Vernon Kinsinger d/b/a K & K Sanitation	AQ/SW	9,530	6-05-97
(Washington Co.)			
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Sandra Gebhardt (Clayton Co.)	FP	2,000	9-28-97
Roy E. Hawkins (Newton)	SW	1,000	10-22-97
Wareco System of Iowa (Coralville)	UT	200	10-24-97
Big Ten Mart/Truck Stop (Lowden)	WS	2,500	11-03-97
North Central Cooperative (Clarion)	WW/HC	2,000	11-04-97
Walnut Grove Water Company (Davenport)	WS	2,500	11-04-97

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# Iowa Select Farms, L.P. (Hardin Co.)	WW	1,500	11-24-97
Deer Ridge Estates (Ottumwa)	WS	100	-----

<b>TOTAL</b>	<b>141,088</b>
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The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
<b>TOTAL</b>		<b>43,179</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000

U.S. Dept. of Defense (Sioux City)	UT	5,720
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000

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Clarence, City of	WW	3,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store	UT	4,800
(Indianola)		
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
#Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
#C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart		
(Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc.	AQ/SW	4,000
(Cerro Gordo Co.)		
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro	SW/WW	10,000
(Warren Co.)		
Ralene Hawkins d/b/a R.J. Express Salvage &	AQ/SW	1,000
Demolition; Clara Lindstadt (Des Moines Co.)		
#Rod Bice (Boone Co.)	WW	500
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Carroll Etchen (Clear Lake)	UT	10,000
Kruger Seed Co. (Dike)	AQ	3,000
Al DeCarlo Demolition Co. (Des Moines)	AQ	5,000



Ritchie Industries, Inc. (Conrad)	AQ	3,000
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	1,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste	SW	10,000
Comm.		
Advanced Technologies Corp. (Waterloo)	AQ	7,500
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	5,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
<b>TOTAL</b>		<b>467,253</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
# SNB Farms, Inc. (Hamilton Co.)	WW	1,000
*Woden-Crystal Lake Comm. School District (Crystal lake) (PAID IN FULL)	AQ	1,000
Meadow View Country Club (Central City)	WS	200
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
#Eugene VanDenBerghe (Scott Co.)	WW	1,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	5,000
Perry, City of (Stipulated Penalty)	WW	3,400
<b>TOTAL</b>		<b>10,600</b>

### ATTORNEY GENERAL REFERRALS

October 1, 1997

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	6/20/97
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
DeCoster, A.J. Wright Co. UPDATED	(2) Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96

Defendant's Motion for Separate Trials	4/19/96
State's Resistance Filed	4/29/96
Defendant's Answer	5/01/96
Defendant's Reply to Resistance	5/06/96
State's Supplement to Resistance	5/30/96
State Brief	5/31/96
Hearing on Motion for Separate Trials	6/03/96
Order Denying Defendant's Motion	6/28/96
Defendant's Motion to Compel	10/03/96
State's Motion to Extend Pleadings	10/15/96
Hearing	10/21/96
Order Denying Defendant's Motion	10/28/96
Order Granting State's Motion	10/28/96
Defendants Motion for Reconsideration	11/06/96
Order Denying Defendant's Motion	11/21/96
State's Motion to Compel	11/27/96
Hearing	12/20/96
Order Granting State's Motion	12/20/96
Trial	1/28/97-
	2/06/97
Closing Arguments	2/11/97
Post Trial Briefs	2/21/97
Ruling (\$59,000/Civil)	3/05/97
Defendant 179(b) Motion	3/28/97
Defendant's Notice of Appeal	4/04/97
Defendant's Brief Filed	9/05/97
Defendant's Amended Brief Filed	9/24/97

DeCoster, A.J.				Referred to	Referred	8/19/96
Nursery Unit #3				Attorney	Petition Filed	11/25/96
Wright Co. (2)	Waste-	Prohibited		General	Consolidated With Sow Unit #1	4/28/97
	water	Discharge			(See Below)	

DeCoster, Austin J.				Referred	to	Referred	1/22/97
Sow Unit #1	(2)	Waste-	Prohibited	Attorney		Petition Filed	4/24/97
UPDATED		water	Discharge	General		State's Motion to Change Venue	4/28/97
						State's Motion to Consolidate	4/28/97
						Order Granting Motions	4/28/97
						Amended & Substituted Petition Filed	5/19/97
						Trial Date	9/16/97
						Defendant's Motion for Partial	7/14/97
						Summary Judgment	
						State's Resistance Filed	7/31/97
						State's Motion for Partial Summary	8/04/97
						Judgment	
						Hearing on Defendant's Motion for	8/11/97
						Partial Summary Judgment	
						Defendant's Resistance to State's	8/19/97
						Motion for Partial Summary	
						Judgment	
						Hearing on State's Motion for Partial	8/25/97
						Summary Judgment	
						Ruling Denying Defendant's Motion	9/02/97
						for Partial Summary Judgment	
						Ruling Granting State's Motion for	9/04/97
						Partial Summary Judgment	
						Trial	9/16/97 --
							9/18/97

DeCoster, Austin J.  
Sow Unit #1; Nursery Unit

Referred to

#7 Wright Co. (2)	Waste- water	Prohibited Discharge	Attorney General	Referred	6/20/97
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	8/18/97
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 1/03/97
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Penalty Collection	Order/Penalty	Referred	6/17/96
ESCORP/Cryotech Ft. Madison (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 4/11/97
ESCORP Associates, Ltd; Arnold Olson Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred	9/16/96
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Humiston, Fred d/b/a Cedar River Trailer Park Letts (6)	Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred	9/16/96
Huyser, James; Trust Trucking Lovilia (5)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94

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McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5)	Waste- water	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred	1/22/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Report ing; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Under- ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Postville Pork Postville (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	5/20/96 7/09/97
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Under- ground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
R.V. Hopkins Davenport (6)	Air Quality	Emission Violations	Order/Penalty	Referred	5/21/97
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/ Penalties	Referred	6/20/97
Stickle Farms, Inc. Linn Co. (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	4/21/97
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96

**CONTESTED CASES**  
October 1, 1997

1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	New draft consent order issued to company for approval..
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	New draft consent order issued to company for approval..
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	Permit issued. District court suit dismissed. Field Office overseeing
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD.
7-02-90	Keokuk Savings Bank and Trust, Keokuk	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility by county..
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing slowly due to illness.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Finalizing
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95. No response.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant completing financial
6-23-92	Chickasaw County Board of Supervisors,	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Meeting held 8/7/97.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held. Settlement close.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Compliance initiated 12/23/96.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl	Admin. Order	UT	Wornson	Settlement expected. SCR submitted. Revision required under
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Wornson	SCRs on the site and several others in Sioux City under review..
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context of Title V application.
12-23-93	Waverly Gravel & Ready-Mix aka Shell	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Wornson	Untimely appeal. Compliance 3/97. Negotiating penalty.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Wornson	Insurance to qualify for remedial benefits unpaid. Issued second
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal -

## Environmental Protection Commission Minutes

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7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	Appeal hearing set for 10/27/97.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Womson	Appeal untimely. Follow-up letter sent. Attny. filing for FUND
8-12-94	Karl and Thelma Boylan d/b/a Boylan's	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Letter sent
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding closure 8/21/97.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City
9-16-94	Wunschel Oil Co.; Vernus Wunschel;	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR required - overdue.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Womson	Inability to pay documented. County took tax deed. Contact
10-26-94	Boomsma's Inc.	Admin.	AQ	Preziosi	Penalty paid. Settled.
10-31-94	Owens & Owens Realty, Inc.; Keith Owens;	Admin. Order/Penalty	UT	Womson	District Court for judicial review. Fund eligible. Compliance
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Womson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept.
1-11-95	Henry and Randy Krohn d/b/a Krohn	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Womson	Inability to pay. Forms sent. No response. Follow-up - 3/96. 1/97 -
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 11/24/97.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 8/21/97 regarding closure.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron;	Admin. Order/Penalty	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting final penalty payment. Sent to AG for penalty
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 8/30/97.
6-29-95	White Oaks Homeowners Assn.	Admin.	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-up letter to facility.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Awaiting ALJ decision.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Womson	Compliance initiated.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin. Order/Penalty	UT	Womson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Womson	Compliance initiated. Selected for innovative technology project.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.

9-06-95	Kraft Foods Inc., Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 10/3/97 on penalty issue only.
12-12-95	Vernon Kinsinger, K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Clean-up progressing. Working with F.O. #6. Receiving penalty
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 11/25/97.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Compliance initiated.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney
1-19-96	Bill Shirkbroun d/b/a Was Broken Pallet	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen	Admin. Order/Penalty	UT	Womson	Tanks removed.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due 8/30/97.
1-30-96	Dean Williams d/b/a Williams Oil Co.	Admin. Order/Penalty	UT	Womson	Referred to EPC 10/20/97.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Womson	Hearing held 11/7/96. Brief submitted. ALJ decision received - no
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-11-96	Marlin Brenneman	Admin. Order/Penalty	WW	Clark	Settlement letter sent 9/27/97. First installment due 10/1/97.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. To be set for
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscataine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Settled.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-17-96	Winsor Oil Co., Inc. ; Joyce Winsor	Admin. Order/Penalty	UT	Womson	Compliance initiated. CADR received/approved.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. &	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 -	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G &	Admin. Order/Penalty	UT	Womson	Negotiating before filing.

8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design (Monfort)	Admin., Order/Penalty	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Womson	Closed facility. Negotiating penalty.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 -	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Womson	New case. Tanks temporarily closed. Negotiating penalty.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to	UT	Womson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed.
12/05/96	Organic Technologies Corp. ----91-SDP-02-	Admin. Order/Penalty	SW	Murphy	Proposed decision received 8/1/97; appealed.
1/02/97/	Ruan Leasing Co., aka Ruan Transportation	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/22/97	Rock Island District Corps of Engineers	401 Certification	WQ	Hansen	Hearing held 5/22-23/97. Briefs submitted to ALJ. 8/5/97 - Decision
1/23/97	Rod Bice	Admin. Order/Penalty	WW	Clark	Settlement close.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage	Admin. Order/Penalty	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Womson	Compliance initiated.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Preziosi	Negotiating before filing..
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
5/16/97	Carroll Etchen	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
5/23/97	Ricahrd A. Girres	Const. Permit Denial	WW	Clark	Hearing held for 9/9/97. Proposed decision 9/23/97.
6/06/97	Al DeCarlo Demolition Co.	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Preziosi	New case.
7/31/97	Brittany Estates Addition	Admin. Order/Penalty	WS	Hansen	To be set for hearing.
8/01/97	Dodger Enterprises Co., Tire Chop Division;	Admin. Order	SW	Kennedy	Negotiating before filing.
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Tire-Tech Environmental Systems	Admin. Order/Penalty	SW/WW	Kennedy	Negotiating before filing.



8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
9/10/97	Fred and Diane Miller	NPDES Permit Denial	WW	Hansen	New case. Sent to DIA to be set for hearing.
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	New case.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	New case.

Mr. Stokes presented the routine monthly reports noting Chapter 65, Animal Feeding Operation rules will come before the Commission next month as well as the Ad Drainage Wells rules.

General discussion followed regarding various portions of the reports.

Randal Giannetto referred to the Kruse penalty dating back to December 92 and asked when penalties such as that are collected and what step does the department take next to make sure he pays.

Mr. Murphy stated that many of those that are listed as way overdue are either tank cases or water supply cases, and often the department issues an order such as in a tank investigation and the party does not appeal the penalty, so then shows up as due. He related that at the same time, staff are working with the party on a long range effort to collect.

Commissioner Giannetto asked if the department ever takes a step at the county level to record a lien against the party so that sometime the department might receive the money.

Mr. Murphy cited an example case where it was referred and the AG got a judgement, which would show as a lien. He noted that the department can file a list of the overdue penalties with the Dept. of Revenue and they could tap the individual's tax refund, etc.

Commissioner Giannetto commented that we could possibly go to the legislature and ask for some enforcement mechanism. He asked what happens to the money that is collected.

Mr. Murphy replied that most of the money goes to the general fund with the exception of feedlot fines, which go to the Indemnity Fund.

Mr. Stokes noted that he distributed copies of the information from the recent Client Contact Group meeting.

Rozanne King asked how the imaging system is working.

Mr. Stokes responded that it is working very well; he indicated that staff could give the Commission a presentation of the system at a future meeting.

<b>INFORMATIONAL ONLY</b>
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## **AIR QUALITY AGREEMENT WITH UNI, IOWA AIR EMISSIONS ASSISTANCE PROGRAM**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached amendment to the agreement between the Department and the Iowa Waste Reduction Center (IWRC), University of Northern Iowa.

Small businesses with more than threshold amounts of regulated hazardous chemicals will, by June 20, 1999, have to submit a Risk Management Plan (RMP) to the U.S. Environmental Protection Agency (EPA). This RMP will contain hazardous assessment risk scenarios, an emergency response program, and a prevention program. Small businesses are required to develop this plan in Section 112(r) of the Clean Air Act, which regulates accidental release prevention. The Department is not at this time seeking delegation of the 112(r) program, but recognizes that these small businesses will need technical assistance in completing these plans.

### **PROPOSED PROJECT**

The amendment is for \$15,000, to be used by the Iowa Air Emission Assistance Program (IAEAP) at IWRC, to perform a needs assessment study on the small businesses in Iowa, affected by Section 112(r). The IWRC will provide a \$5,000 match to DNR funding. The objectives of the study include:

- Research the number of facilities in Iowa affected by this regulation. (Presently estimated at over 2,000).
- Compile related facts about the affected facilities: plant locations, number of employees, SIC code, and types and amounts of chemicals used.
- Perform a comparative study of affected facilities in Iowa and other states.
- Create a database with this information.
- Assist small businesses in filing the RMP with EPA and in complying with the regulation.

### **BACKGROUND of IAEAP**

The IAEAP was developed in response to the 1990 Clean Air Act Amendments mandate that each state government provide assistance to small businesses in order to fulfill requirements pursuant to Section 507 (Small business stationary source technical and environmental compliance assistance program) of the 1990 Clean Air Act Amendments. The DNR has, as required in the Act, established and funded a technical assistance program for small businesses (IAEAP). The Act requires IAEAP to "assist small business stationary sources in determining applicable requirements ... under this Act." Therefore to assist small businesses in determining

their responsibilities under the Act it is important for IAEAP to perform this study and provide technical assistance.

The current agreement is for \$347,000, for the period of July 1, 1997 through June 30, 1998. The proposed amendment, for \$15,000, increases the total agreement budget to \$362,000. The funding, which was budgeted for in the Air Quality SFY 98 budget, will be supported by funds from Title V fees. The money was budgeted for, but not included, in the original contract so the department could review IAEAP's proposed work plan prior to providing funding for the study.

The timing of this study is critical. The study is to be completed by June 30, 1998, so the affected facilities have time to come into compliance by the June 20, 1999 deadline.

**DEPARTMENT OF NATURAL RESOURCES  
AGREEMENT AMENDMENT  
AGREEMENT NUMBER 98-7230-01  
With  
UNIVERSITY OF NORTHERN IOWA  
IOWA WASTE REDUCTION CENTER**

**Agreement Title:** Small Business Assistance Program Pursuant to Section 507 of the Clean Air Act Amendments of 1990

**Time of Performance:** July 1, 1997 to June 30, 1998

This amendment covers changes in Agreement Number 98-7230-01, between the University of Northern Iowa, Iowa Waste Reduction Center and the Iowa Department of Natural Resources (DNR). All parts of the Agreement that are not amended below shall continue to be in force throughout the Time of Performance.

**CHANGES:**

1. Change the Agreement Amount from \$347,000 to \$362,000.
2. Amend 5.2 of ARTICLE V - ACTIVITIES

5.2 UNI shall conduct a study of the stationary sources in Iowa affected/regulated by the 112(r), accidental release provision of the Act. The study shall follow the work plan submitted to the DNR on August 27, 1997. The study shall be completed and a final report shall be submitted to the DNR by June 30, 1998.

3. Amend ARTICLE XI - AGREEMENT PAYMENT SCHEDULE

<u>Date</u>	<u>Payment Amount Due</u>
September 30, 1997	\$86,750
December 30, 1997	\$91,750
March 30, 1998	\$91,750
June 30, 1998	\$91,750

The University of Northern Iowa agrees to deliver all supplies and perform all services set forth in the attached Special Conditions for the consideration stated herein. The rights and obligations of the parties to this agreement shall be subject to and governed by the Special Conditions and General Conditions. To the extent of any inconsistency between the Special Conditions or the General Conditions and any specifications or other conditions which are made a part of this agreement, by reference or otherwise, the Special Conditions and General Conditions shall control. To the extent of any inconsistency between the Special Conditions and the General Conditions, the Special Conditions shall control. This agreement contains 11 articles.

IN WITNESS THEREOF, the parties hereto have executed this agreement on the day and year last specified below.

UNIVERSITY OF NORTHERN IOWA

DEPARTMENT OF NATURAL RESOURCES

By: \_\_\_\_\_  
Ed Ebert  
Administrator Grants and Contracts

By: \_\_\_\_\_  
Larry Wilson  
Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

This agreement was approved, as required by Subsection 455B.105(7) of the Code of Iowa, by the Environmental Protection Commission on \_\_\_\_\_, 1997

Mr. Stokes reviewed details of the agreement.

*Motion was made by Terrance Townsend to approve the Air Quality Agreement with University of Northern Iowa for the Air Emissions Assistance Program. Seconded by Rozanne King. Following brief discussion the motion carried unanimously.*

**APPROVED AS PRESENTED**

## CONTRACT FOR CONSTRUCTION PERMITS FOR AIR EMISSION SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department of Natural Resources, Air Quality Bureau - Construction Permits Section, must issue a construction permit for facilities prior to the commencement of construction. Many of these applications are for sources that have already been built. Rather than delay new source construction, the as-built construction permit applications are put into a separate pool to be issued as time allows. This pool has grown to approximately 150 projects comprising several hundred permit applications. Because the construction permit section workload has increased due to an increase in new construction, including several new major facilities and several major plant expansions, it is not possible to process these as-built application in the near future.

Because there may be consequences for these facilities that a construction permit may allow them to avoid, a contract with a consultant is being sought to process these applications.

The Department published a notice on July 11, 1997, of its intention to issue a contract for technical services for the review and draft preparation of up to 500 construction permits. Six firms submitted proposals with sealed bids. The top three firms were selected for further consideration, based on the technical review of the proposals. Bids were then opened.

The three top qualified firms were interviewed. Following the interview, the three candidates were then re-evaluated based on technical merits and cost.

<b>FIRM</b>	<b>Bid Amount</b>	<b>Rank</b>
Jacobs Engineering Group	\$200,000.00	1st
General Engineering Laboratories Inc.	\$272,000.00	2nd
Black and Veatch	\$275,000.00	3rd

The Commission is asked to approve the issuance of the contract with the contractor preference in the order as presented in the above table; Jacobs Engineering being the preferred contractor.

### **CONTRACT AWARD PROCESS SUMMARY**

Request for Proposals Issued by the Iowa Department of Natural Resources  
for Technical Services for the Review of Construction Permit Applications  
for Air Emissions in Iowa

The Department of Natural Resources, Air Quality Bureau - Construction Permits Section, must issue a construction permit for facilities prior to the commencement of construction. Many of these applications are for sources that have already been built. Rather than delay new source construction, the as-builts are put into a separate pool to be issued as time allows. This pool has grown to approximately 150 projects comprising several hundred permit applications. Because the construction permit section workload has increased due to an increase in new construction, including several new major facilities and several major plant expansions, it is not possible to process these application in the near future. Because there may be consequences for these facilities that a construction permit may allow them to avoid, a contract with a consultant is being sought to process these applications.

#### Public Notice

A public notice requesting proposals from firms interested in providing technical services to the Department was published in the Des Moines Register on July 11, 1997. In addition, the public notice and supporting information was mailed to approximately 30 prospective interested firms. RFP information was sent to additional firms responding to the public notice in the newspaper. As specified in the public notice, proposals with sealed bid envelopes were to be received postmarked no later than August 15, 1997.

A Bidder's Conference was held with interested firms on July 24, 1997 at the Ingram Building in Urbandale. At the Bidder's Conference, potential bidders were able to meet with and ask questions of DNR staff pertaining to the proposal and requested technical services. Copies of the RFP materials, construction permit application forms, and a draft template for a permit were made available at the meeting. A summary of the discussion at the Bidder's Conference, including a list of attendees, was prepared and sent to all firms expressing interest in the RFP.

#### Response to Request for Proposals

Six firms submitted a proposal, guarantee or bond, and sealed bid as specified in the proposal instructions and guidelines postmarked no later than August 15, 1997.

#### Proposal Review Process

The proposal review team consisted of Dave Phelps, Air Quality Construction Permit Section Supervisor; Christine Spackman, Operating Permits Section Supervisor, Emily Chen, Construction Permit writer, and Don Dietzenbach, Procurement Coordinator from Finance/Purchasing of the central office. Prior to reviewing the proposals a set of evaluation criteria was established for judging the proposals. In addition to the required (mandatory) elements of the proposal such as the proposal guarantee/bond, education requirements, etc., each proposal was also evaluated on the basis of technical qualifications, such as expertise and reputation of the firm with respect to air permitting and ability to meet the schedule. Factors considered in the initial screening of the proposals included: the attention to detail and level of understanding provided in firm's description of their review and handling of a construction permit application; the firm's professional experience as well as the depth and diversity of their staff; expertise in understanding air pollution control systems and control efficiencies; understanding of state regulations, policies and procedures; and, their ability to meet the schedule. Proposals were screened considering the technical and mandatory elements of the proposal. The highest possible point award for each proposal was 100 points per reviewer. Scores from each reviewer were compiled. The top three firms: General Engineering Laboratories Inc., Charleston, South Carolina; Jacobs Engineering Group, Lenexa City, Kansas; and Black and Veatch, Kansas City, Missouri, were selected for further consideration. On September 19, 1997 after the top firms based on technical merits were selected, Don Dietzenbach, Procurement Coordinator, Finance/Purchasing Bureau of the DNR met with the review committee and opened the sealed bids. All bids received are contained in Table 1.

**Table 1 - BIDS RECEIVED**

<b>FIRM</b>	<b>Initial screening Score (max 320 pts)</b>	<b>Bid per 500 Applications (\$)</b>
Jacobs Engineering Group Inc., Lenexa, KS	305	200,000.00
General Engineering Laboratories Inc., Charleston, SC	259	272,000.00
Black and Veatch, Kansas City, MO	249	275,000.00

Philip Environmental Fort Washington, PA	*	314,600.00
BT <sup>2</sup> Madison, WS	*	612,000.00
Trileaf/EnvironManagement Ames, IA	*	261,374.50

\*Not selected for further consideration.

#### Final Selection Process

Three firms were asked to interview. These interviews were conducted by telephone. Jacobs Engineering Group Inc. interviewed during the morning of October 1, 1997 while General Engineering Laboratories Inc. interviewed on the afternoon of that day. The final interview was conducted with Black and Veatch on October 6, 1997. All firms that were interviewed were asked a standard set of questions. In addition, questions specific to that particular firm's proposal were asked for additional detail or clarification.

Firms interviewed were scored again on the basis of their ability to provide the requested technical services, the knowledge and experience of their permit review staff, ability to meet a schedule, and bid price. Table 2 contains the scoring for the three firms that were interviewed.

**Table 2 - FINAL SCORING**

Firm	Score (max 400 points)
Jacobs Engineering Group Inc., Lenexa, KS	385
General Engineering Laboratories Inc., Charleston, SC	274
Black and Veatch, Kansas City, MO	269

### **CONTRACTOR COMPARISONS**

Proposal Submitted by	Black and Veatch Kansas City, MO	General Engineering Charleston, SC	Jacobs Engineering Kansas City, MO
Maximum cost for 500 permits	\$275,000.00	\$272,000	\$200,000
Average time per permit	12.4 hours	6-8 hours	6.6 hours
Construction permitting .. experience in	None	Staff member worked >1100 permits issued	

Iowa		for DNR	for Iowa DNR - Air Quality Missouri
...experience elsewhere	24 - for Missouri DNR	None for states	
Operating permit applications			
... Iowa facilities	1 - Title V appl (ISU)	None	None
... non-Iowa facilities	6 - nationally	9 - Nationally	5 - Nationally
Strong Points	large firm with abundant resources		Considerable favorable past experience with previous contract for construction permitting. Large firm with ample resources
Training	Would have to work extensively with contractor	Is familiar with construction requirements	Already trained
Project Manager	PE has experience in air permitting	PE with minimal involvement. Mainly Lisa Meis, an Engineer running the project	Two PE's , former EPA Air Section chief running project
Recommendation	MDNR - above average work ISU - have been satisfied	know and do good work	MDNR - very good work know and do good work
Concern	Already contracted to do VOP contract with Iowa and may not have resources to do both. Some of the same key personnel are listed on both projects.	Distance from Iowa may be a factor . Located in South Carolina	None

Mr. Stokes gave a detailed explanation of the contract noting that it went out on a Request for Proposal and six firms responded. He stated that staff are recommending a contract with Jacobs Engineering Group in the amount of \$200,000.

*Motion was made by Rozanne King to approve a contract for Construcion Permits for Air Emission Sources with Jacobs Engineering Group as presented. Seconded by Rita Venner. Following brief discussion the motion carried unanimously.*



<b>APPROVED CONTRACT WITH JACOBS ENGINEERING GROUP</b>
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**APPOINTMENT - JERRY YEOMANS (TIRE DISPOSAL)**

Jerry Yeomans, Owner of Bee Right Tire Disposal, Rhodes, Iowa, addressed the Commission stating that he would like to talk about Tire Chop. He said when he applied for a tire disposal permit in 1985 it took about 6-8 months, mainly because the state did not want any more large tire piles like that at Vinton. Subsequently he received his permit with a lot of restrictions. He noted that Tire Chop received their permit after Bee Right received theirs. Mr. Yeomans distributed copies of a March, 1997, DNR inspection report of Tire Chop, which showed 39 violations mostly against the fire code. He related that Tire Chop is still taking in tires and it is quite a hazard. He noted that Mr. Grell said he is not concerned with the tire limit on his permit and will continue to take tires. Mr. Yeomans expressed concern that Mr. Grell is doing unfair business practices, adding that it is hard to compete with him when all he has to do is push the tires into a pile and not process them. He asked if the State Fire Marshall can do something to prevent Mr. Grell from taking in tires until he comes into compliance.

Mr. Stokes reviewed that Dodger Enterprises has a permit for the facility and had arranged with the local landfill to provide tires for leachate control. He related that their permit was amended to allow accumulation of 375,000 tires to use at the landfill. The landfill project is now at an end and Dodger Enterprises has been advised to come into compliance. An Administrative Order was issued to them and is now under appeal. Mr. Stokes related the appeal could possibly come before the Commission at a later date. He indicated that staff will continue to monitor the situation and evaluate enforcement options.

Discussion followed regarding enforcement options.

Commissioner Mohr expressed concern with the October 10 letter to Don Grell, from Bill Jinkinson, regarding the statement that Mr. Grell does not intend to comply with the permit or the Administrative Order. She added that when someone arbitrarily says that, we really need to take a look at it.

**NOTICE OF INTENDED ACTION--CHAPTER 134, REGISTRATION OF GROUNDWATER PROFESSIONALS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action with amendments to Chapter 134. The amendments change the title of the chapter to "Certification of Groundwater Professionals" and remove the June 10, 1991 date requirement for meeting the five years of experience and training in order to initially qualify for certification.

The rules incorporate changes made Chapter 455G by 1997 Iowa Acts Senate File 75.

**ENVIRONMENTAL PROTECTION COMMISSION[567]  
Notice of Intended Action**

Pursuant to the authority of Iowa Code Supplement section 455G.18, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 134, "Registration of Groundwater Professionals," Iowa Administrative Code.

The proposed amendments are intended to change the title of the chapter by removing "Registration" and replacing it with "Certification" and to remove the June 10, 1991 date requirement for meeting the five years of experience and training in order to initially qualify for certification. The requirement for having the five years of experience by June 10, 1991 was removed by 1997 Iowa Acts Senate File 75.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319, by fax (515)281-7212, or E-mail at 'kbridso@max.state.ia.us' no later than November 11, 1997.

There will be no public hearings on these proposed amendments.

These amendments may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement Iowa Code Supplement section 455G.18.

The following amendments are proposed.

ITEM 1. Amend the title of Chapter 134 by replacing "REGISTRATION" with "CERTIFICATION".

ITEM 2. Amend rule 134.2(2) by changing it to read as follows:

f. Any person with five years of direct or related experience and training as a groundwater professional or in the field of earth sciences ~~as of June 10, 1991~~. This must include a minimum of at least two years of education and training, and two years of experience as a groundwater professional.

Mr. Stokes reviewed details of the rule.

*Motion was made by Dean McWilliams to approve Notice of Intended Action--Chapter 134, Registration of Groundwater Professionals. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION--CHAPTERS 49, 60, 64 & 69, NONPUBLIC WATER WELL CONSTRUCTION AND PRIVATE SEWER SYSTEM CONSTRUCTION STANDARDS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is requested to give approval at the October meeting for the department to conduct six public hearings on the proposed nonpublic water well and private sewer system construction standards. The Department worked with the Iowa Groundwater, Water Well, and Environmental Health Associations in redrafting the private water well rules. Also, the Department worked with a committee consisting of legislators, county supervisors, private contractors, septic tank manufacturers, and the Iowa Environmental Health Association developing the proposed changes to the individual wastewater treatment system rules. Significant proposed updates and changes include:

Chapter 49, "Nonpublic Water Supply Wells" (name altered to be more descriptive)

- Definitions of agricultural terms were added to make separation distances consistent with Chapter 65.
- Definitions were modified to make them easier to understand and consistent with other rules.
- Requirements for casing depth, grouting depth, and annular space are more precisely defined.
- Augured wells must now use "buried slab" type construction.
- Well casing specifications are clarified and expanded to allow for the use of plastic well casing.
- Heavy drilling fluid has been disallowed as a grout material.
- Methods for placing grout have been clarified.
- Added a section on the construction of closed-loop ground-source heat pump wells.

Revise Chapter 60 and 64 to provide for a general NPDES wastewater discharge permit covering on-site wastewater systems. Concurrently hearings will be held on adoption of the proposed general NPDES permit #4.

Chapter 69, "On-Site Wastewater Treatment and Disposal Systems"

- Definitions were added to make the rule easier to understand and consistent with other rules.
- The general regulations were modified to clarify applicability.
- A general NPDES permit, instead of individual waste discharge permits, is now allowed.
- Minimum septic tank size was increased to 1000 gallon.
- Improved quality of tank baffles (must be plastic pipe) and access openings are now required.
- Specifications for concrete materials were added and bituminous lining requirement eliminated.
- Professional soil analysis may now be substituted for percolation testing.
- Lateral field sizing criteria were simplified.
- Sizing criteria for gravel-less pipe was increased.
- Sections were added to allow for new technology (i.e. chamber systems, wetlands, and drip irrigation).

- Sand filter specifications have been changed to expand design options and make them less restrictive.
- Table added to provide guidelines for estimating non-residential and commercial domestic waste flows.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed details of the rule noting that he placed at each Commissioner's work station a copy of the cost comparison between present standards and the proposed standards.

*Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapters 49, 60, 64 & 69, Nonpublic Water Well Construction and Private Sewer System Construction Standards. Seconded by Rita Venner. Following discussion on the public comment period and constructed wetland systems, the motion carried unanimously.*

**APPROVED AS PRESENTED**

## **FINAL RULE--CHAPTER 64, STORMWATER GENERAL PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department recommends approval of the notice for adoption and filing of the rules for storm water general permits. A public hearing was held on August 2, 1997, and a Responsiveness Summary addressing all comments has been prepared. Some changes were made to both the general permit and the rules as a result of the comments.

### **ENVIRONMENTAL PROTECTION COMMISSION [567]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.105(3), the Environmental Protection Commission hereby amend Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

These amendments to Chapter 64 reissue General Permits No. 1 and No. 2 which authorize the discharge of storm water. These general permits were issued in 1992 for a five-year duration and expire on October 1, 1997. This action renews them, extending coverage another five years to October 1, 2002. A third general permit which addresses the storm water discharge needs of asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities has been added. Copies of the General Permit No. 1 and General Permit No. 2 as well as the new General Permit No. 3 are available upon request from the Iowa Department of Natural Resources, Wallace State Office Building, 900 E. Grand Avenue, Des Moines, Iowa 50319; fax (515)281-8895.

These amendments were proposed in a Notice of Intended Action which was published in the Iowa Administrative Bulletin on July 16, 1997, as ARC No. 7381A.

A public hearing regarding these amendments was held on August 7, 1997. Comments were received, both in writing and orally at the hearing, regarding the proposed rule changes and general permit adoption.

The adopted amendments differing from those in the Notice of Intended Action contain changes made in response to comments received regarding General Permit No. 3. The principal change was to extend coverage under General Permit No. 3 to include Construction Sand and Gravel Facilities. It was agreed that these facilities are closely related to the paving industry and would have similar storm water runoff characteristics. Therefore, all references to General Permit No. 3 were changed to read "Storm Water Discharge Associated With Industrial Activity From Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, And Construction Sand And Gravel Facilities".

In response to comments, there were wording changes made in the new paragraph 64.6(1)c.(3) proposed in the Notice of Intended Action for clarification and to prevent misinterpretation of the Notice of Intent provision for general permit no. 3. Appropriate wording was also added to general permit no. 3.

These amendments are intended to implement Iowa Code chapter 455B, division I.

The following amendments are adopted .

ITEM 1. Amend paragraph 64.6(1)"a" by adding the following new subparagraph:

(3) General Permit No. 3 "Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants Rock Crushing Plants, And Construction Sand And Gravel Facilities" Form 542-1415, containing the information identified for General Permit No. 1 in subparagraph (1) of this paragraph.

ITEM 2. Amend paragraph 64.6(1)"c" by adding the following new subparagraph:

(3) General Permit No. 3 "Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants And Construction Sand And Gravel Facilities." Public notification requirements for this general permit are the same as those specified for General Permit No. 1 found in subparagraph (1) of this paragraph.

Upon initial issuance of the permit, the public notice shall be published in at least two newspapers with the largest circulation in the area in which the facility is located or the activity will occur. Upon relocation of a facility authorized to discharge under General Permit No. 3 to a site not included in a prior notice, an applicant shall file a complete Notice of Intent by submitting to the department materials required in paragraphs "a" to "c" of this subrule except that the public notice shall be published in one newspaper with the largest circulation in the area in which the facility is to be located or the activity occurs. The newspaper notice shall, at a minimum, contain the information specified in subparagraph 64.6(1)"c"(1).

ITEM 3. Amend subrule 64.6(2) as follows:

64.6(2) Authorization to discharge under a general permit. Upon the submittal of a complete Notice of Intent in accordance with 64.6(1) and 64.3(4)"b," the applicant is authorized to discharge, unless notified by the department to the contrary. The discharge authorization date for all storm water discharges associated with industrial activity that are in existence on or

before October 1, ~~1992~~ 1997, shall be October 1, ~~1992~~ 1997. The applicant will receive notification by the department of coverage under the general permit. If any of the items required for filing a Notice of Intent specified in 64.6(1) are missing, the department will consider the application incomplete and will notify the applicant of the incomplete items.

ITEM 4. Amend subrule 64.8(2), introductory paragraph, as follows:

64.8(2) Renewal of coverage under a general permit. Coverage under a general permit will be renewed subject to the terms and conditions in paragraphs "a" to "e d."

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ITEM 5. Amend subrule 64.8(2) by adding the following new paragraph:

d. The Notice of Intent requirements shall not include a public notification when a general permit has been reissued or renewed provided the permittee has already submitted a complete Notice of Intent including the public notification requirements of 64.6(1). Another public notice is required when any information, including facility location, in the original public notice is changed.

ITEM 6. Amend rule 567--64.15(455B) as follows:

567--64.15(455B) General permits issued by the department. The following is a list of general permits adopted by the department through the Administrative Procedure Act, Iowa Code chapter 17A, and the term of each permit.

64.15(1) Storm Water Discharge Associated with Industrial Activity, NPDES General Permit No. 1, effective ~~October 1, 1992, to October 1, 1997~~ October 1, 1997, to October 1, 2002. Facilities assigned Standard Industrial Classification codes 1442, 2951, 3273, and those facilities assigned Standard Industrial Classification codes 1422 and 1423 which are engaged primarily in rock crushing are not eligible for coverage under General Permit No. 1.

64.15(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2, effective ~~October 1, 1992, to October 1, 1997~~ October 1, 1997, to October 1, 2002.

64.15(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, And Construction Sand And Gravel Facilities, NPDES General Permit No. 3, effective October 1, 1997, to October 1, 2002. General Permit No. 3 authorizes storm water discharges from facilities primarily engaged in manufacturing asphalt paving mixtures and which are classified under Standard Industrial Classification 2951, primarily engaged in manufacturing Portland cement concrete and which are classified under Standard Industrial Classification 3273, those facilities assigned Standard Industrial Classifications 1422 or 1423 which are primarily engaged in the crushing, grinding or pulverizing of limestone or granite, and construction sand and gravel facilities which are classified under standard Industrial Classification 1442. General Permit No. 3 does not authorize the discharge of water resulting from dewatering activities at rock quarries.

ITEM 7. Amend subrule 64.16(1) as follows:

64.16(1) A person who applies for an individual permit or coverage under a general permit to construct, install, modify or operate a disposal system shall submit along with the application an application fee and a permit fee as specified in 64.16(3). Fees shall be assessed based on the type of permit coverage the applicant requests, either as general permit coverage or

as an individual permit. At the time the application is submitted, the applicant has the option of paying an annual permit fee or ~~either a five-year a multi-year permit fee, whichever is available.~~ The multiyear permit fee provides coverage under the general permit through the expiration date of the general permit.

Fees are ~~not refundable and are nontransferable; however, if~~ If the application is returned to the applicant by the department, ~~the application fee will be retained but the permit fee will be returned.~~ No fees will be returned if the permit or permit coverage is suspended, revoked, or modified, or if the activity is discontinued. Failure to submit the appropriate application fee and permit fee renders the application incomplete and the department shall suspend processing of the application until the fee is received.

ITEM 8. Amend subrule 64.16(3) as follows:

64.16(3) Fee schedule. The following fees have been adopted:

a. For coverage under the NPDES General Permit the following fees apply:

(1) Storm Water Discharges Associated with Industrial Activity, NPDES General Permit No. 1.

Application Fee .....	\$100
and	
Annual Permit Fee .....	\$150 (per year)
or	
Multiyear Five-year Permit Fee .....	\$450 \$600
Four-year Permit Fee .....	\$450
Three-year Permit Fee .....	\$300

~~(Coverage provided by the multiyear permit fee expires concurrently with the expiration date of the general permit. Maximum coverage is five years.)~~ (Coverage provided by the five-year, four-year, and three-year permit fees expires no later than the expiration date of the general permit. Maximum coverage is five years, four years, and three years, respectively.)

(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2. The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

(3) Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants and Rock Crushing Plants, NPDES General Permit No. 3. The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

b. Individual NPDES permit fees. The following fees are applicable for the described individual NPDES permit:

(1) For storm water discharge associated with industrial activity, submitted on Form 2F, where the storm water is composed entirely of storm water or combined with process wastewater or other non-storm water wastewater.

Application Fee .....	\$150
and	
Annual Permit Fee .....	\$300 (per year)
or	

Five-year Permit Fee ..... \$1,250

(2) For storm water discharge from large and medium municipal separate storm sewers (systems serving a population of 100,000 or more).

Application Fee ..... \$150

and

Annual Permit Fee ..... \$300 (per year)

or

Five-year Permit Fee ..... \$1,250

(3) For participants in an approved group application and EPA has issued a model general permit and no industry specific general permit is available or being developed.

Application Fee ..... \$150

and

Annual Permit Fee ..... \$300 (per year)

or

Five-year Permit Fee ..... \$1,250

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed the rules and comments received during public hearing.

*Motion was made by Rozanne King to approve Final Rule--Chapter 64, Stormwater General Permit. Seconded by Terrance Townsend. Following brief discussion on testing, monitoring and fees, the motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PROPOSED CONTESTED CASE DECISION--RICHARD GIRRES**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On April 25, 1997, the department rejected an application for construction permit filed by Richard Girres. That action was appealed by Mr. Girres, and the matter proceeded to administrative hearing on September 9, 1997. The Administrative Law Judge issued the attached Proposed Decision on September 22, 1997. The decision reverses the department's decision.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no



appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the Administrative Law Decision in the absence of an appeal.

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<b>ALJ DECISION UPHELD</b>
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### **CONTESTED CASE DECISION APPEAL--ORGANIC TECHNOLOGIES CORPORATION**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On November 15, 1996, the department issued Administrative Order No. 96-SW-19 and 96-WW-45 to Organic Technology Corporation, Tim Danley, and Ken Renfrow (OTC). That action required proper operation and maintenance of the composting facilities, compliance with a schedule for closing the facilities, and assessed a penalty of \$10,000. That action also notified OTC of the department's intent to revoke the permit, and denied a permit application for a new site. In addition, the department subsequently denied an application to renew the existing permit. Those actions were appealed by OTC, and the matter proceeded to administrative hearing on May 6, 7, 15, and 28, 1997. The Administrative Law Judge issued the attached Proposed Decision on August 1, 1997. The decision affirms the department's Order and permit revocation and renewal denial, and reverses the second permit denial.

Both parties have appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy introduced Mark Landa, Counsel for OTC, and noted that Mr. Landa will make the first presentation.

#### **Appointment - Mark Landa**

Mark Landa stated that he is representing Organic Technologies Corp., Tim Danley and Ken Renfro, who have operated a compost facility in Warren County since September 1995. On November 15, 1996, DNR issued an Administrative Order to OTC requiring them to cease operating the facility and to pay a penalty. He indicated that amendments to the Order were issued by DNR on 2/20/97 and 4/20/97 and all of the actions of the DNR were timely appealed. Mr. Landa related that due to a request by DNR the hearings on the four appeals were

consolidated. The hearing was held on four different days in May and the parties were given until 7/3/97 to submit closing arguments and briefs. On 6/23/97 OTC filed a motion to reopen the record to submit the Warren County District Court's ruling on its motion to dismiss, and the motion was granted. The Proposed Decision was rendered on 8/1/97 and it was appealed by OTC on 8/29/97. Mr. Landa noted that DNR filed a Notice of Appeal on 9/2/97, and it is the matter of this appeal the Commission is asked to consider today. He stated that he filed a brief explaining the basis of appeal and the arguments of a different result. He read the following quote he made which he indicated is the crux of his client's position: "The department through the introduction of nearly 100 exhibits and nearly three days of testimony from seven witnesses sought to support the issuance of all aspects of the Administrative Order, including the denial of the permit to Organic Technologies for its proposed facility in Hardin County, and its order to OTC to cease its operation near Prole, Iowa." He stressed that the department, with all its evidence, was not able to show that the operation of OTC was the cause of any identifiable public health, public safety, or environmental hazard other than the generation of odors, which the department acknowledged it does not regulate. He expanded on the issue of the odors and related that Garth Frable testified that the OTC facility is a pioneer in the field of composting in Iowa and is run just about as well as any similar facility in the state. Mr. Landa noted OTC's quarrel is with the notion that while the department and the industry struggle with the technological issues raised in the appeal, that OTC should be made to suffer through what is akin to a game of regulatory chicken. He related that when the DNR denied OTC a permit to its facility in Hardin County they weren't certain they had the authority to take that action but denied the permit anyway, thereby insuring the economic crippling of the company. He noted that the ALJ ruled that the permit should have been issued eleven months ago. Mr. Landa stated the ALJ ruled that the department does not have the authority to abate a nuisance condition created by odors under the circumstances present in this case. He added that the department will say the ALJ ruled that the existence of odors may be viewed as evidence of operational violations. Mr. Landa stated that there is no such evidence in this case. He read from an E-mail message from Garth Frable to Jim Stricker saying he has never been to OTC when the facility smelled offensive to him. Mr. Landa added that Mr. Frable advised the field office that the construction of a building to house a compost operation would serve no purpose, and that the very types of operational controls the department and OTC were negotiating was the better solution to the problems perceived to be present at the facility. Mr. Landa stated that to revoke the permit for the Prole site and deny the permit for the Hardin County site would put OTC out of the composting business. He noted that OTC questions whether under the provisions of 17A.18 the law judge can issue an order setting the effective date of the revocation of OTC's permit as three months from the date of the final administrative decision. Mr. Landa said 17A.18(2) sets the effective date of such a denial as the last day for seeking judicial review of the agency order, or a later date fixed by order of the agency or reviewing court. He related that since OTC's permit expired before it could be revoked, they assert that the appeal of the denial of the application for renewal is the pending matter to be considered here. Mr. Landa noted that putting OTC out of business is too harsh an action and he requests that the department's order be rescinded.

Mr. Murphy stated that Mr. Landa gave an accurate review the procedures that led to the Commission's consideration today. He noted that the department does not like taking this sort

of action with any company, adding that staff recognizes the benefits of composting. He related the primary basis for action is that there are so many and so prolonged permit violations on that basis alone the actions of the department are warranted, and the ALJ so found. He added that OTC holds a permit to process no more than 10,000 tons of material per year, but they are continuously in violation of this provision by processing upwards of 50,000 tons per year. Mr. Murphy related the permit clearly requires that OTC obtain prior approval before any additional wastes are taken in and before any expansion is made, and this was not done. He added that the plans were approved by the prior owner of the company but are the plans which were approved in the permit, and the permit has not been changed. Other violations include taking in plastic lined bags which was clearly rejected in the permit. Mr. Murphy noted that all of the witnesses testified that the shredded plastic at OTC is a tremendous problem. Other violations include storage materials in the open; failure to process material within 72 hours as required by the rules; inadequate turning of the windrows; a deficient 1996 annual report; runoff of contaminated water; land application of unfinished and unscreened compost and failure to keep adequate records of same; storage of finished compost; and failure to submit a supplemental comprehensive plan. Mr. Murphy related that on these issues alone the action to revoke the permit, assess a penalty, and to deny the Hardin County permit were all justified. He pointed out that the Administrative Order was issued eleven months ago and it is just now coming to the Commission because staff were reluctant to take such serious action. He stated that an additional basis for revocation of the permit and denial of the Hardin County permit is that this facility is ruining peoples lives. He added that the department is relying on odor nuisance as the grounds for this, noting that the odor problems began as the facility exceeded 10,000 tons per year. Mr. Murphy explained past rules relating to more comprehensive odor regulation by the department under it's air quality authority and related that the Commission at that time decided those rules were unworkable and rescinded them. He noted that this case is brought under the department's solid waste authority and deals with a specific facility that is required to have a permit. The statutory and rule considerations, in a broad sense, state that the department is to administer their solid waste authority in the interest of public welfare, and the Commission's own rules say that sanitary disposal includes handling so that such nuisance conditions are not created. He added that these considerations and the ALJ authority indicates the department's actions were lawful and reasonable. Mr. Murphy noted that the department is willing to accept the result of the ALJ decision on cleaning up Prole and moving on with a superior facility at a superior location. He related that OTC wasn't willing to live with that and the department feels there are issues that need to be addressed. He noted item #13 in his brief, dealing with Conclusion of Law #6 regarding litter, which is inaccurate. He related that DNR witnesses did not testify that the litter violations involved in this case were not extraordinary, adding that staff testimony was that there were serious problems and when similar problems were seen at other facilities, enforcement actions were taken. Mr. Murphy stated that Items 19 & 20 of his brief are the legal conclusions he thinks need to be changed substantially and he expanded on those items. He related that there was evidence that odors can be minimized with proper operation and the ALJ found that was relevant to a limited extent, but staff feel the ALJ should have gone farther and supported the department's authority to make decisions based on those nuisance conditions. Mr. Murphy discussed the relevance of the testimony that preceded the September 1995 date when the new owners took over. He noted it was resolved at the hearing that the department was not offering that evidence to be used against the current owners

in the sense of violations, but it was offered to show the evolution and development of the permit that they are now operating under. It was also introduced to show that similar problems occurred under the prior operation that are now occurring, particularly with respect to adverse weather impact on the operation, and for those limited purposes it was agreed that testimony was relevant. Mr. Murphy stated that in regard to Mr. Landa's comments about Garth Frable testifying that OTC was a pioneer in the business, Mr. Landa asked a very leading question and Mr. Frable's response was very marginal and was not an endorsement of the nature being argued in the brief. Mr. Murphy stated that in regard to a market success in producing compost, there is compost still there that was produced by the prior owners. He noted that the compost applied to their farmland was not finished compost and was full of plastic and was smelly, and in producing compost they are causing substantial problems to the public. Mr. Murphy asked the Commission to uphold the portions of the ALJ decision that were in the department's favor and to make the changes offered in his list of exceptions.

Discussion took place in regard to OTC moving their facility as an effort to resolve the problems at Prole.

Rozanne King asked if OTC was cited as soon as they went over the 10,000 tons allowed in their permit.

Mr. Murphy stated that they were consistently cited when they were over 10,000 tons.

Discussion followed regarding the marketing of the product and reports for same.

Chairman Ehm stated that if the company is having difficulty maintaining an operation that works now, they would continue to have problems somewhere else as well. He added that he does not see any indication that different types of technology will be used.

Rozanne King asked what would be in the permit for the Hardin county site that would be different from the Prole facility.

Mr. Murphy stated there was somewhat different technology proposed and there is already a constructed composting pad there, adding that they are proposing to use an aerated static pile form of technology. He noted that OTC does not plan to shut down the Prole site but intends to divert 20-40 % of the materials from Prole to Hardin county.

Rita Venner asked if the department directs them to shut down the Prole site and if they reapply for a permit not using the 20-40%, but instead begin from new, would it be a viable permit for them.

Mr. Murphy stated that would be acceptable to the department noting that staff just wanted assurance that they would not be operating two sites for an indefinite period.

Mr. Landa noted there was testimony that the plan was to open up a facility in Hardin county using a superior technology to that being used at Prole. He related there was also a proposal to

site a facility in the Ottumwa area, and those two sites combined would have resulted in the complete shut down of the Prole facility. He added that once the Hardin county site permit was denied it pretty much put OTC at a stalemate.

Discussion followed regarding the Commission possibly listening to the tapes.

Randal Giannetto asked if a one month delay would hurt OTC.

Mr. Landa and Mr. Murphy agreed that a delay would not cause a problem for OTC.

Mr. Murphy indicated that the department thinks this matter has been delayed too long now, and would like a decision, today, but understand that there was a lot of information for the Commission to review, and it would be prudent for them to take time to review it.

Further discussion took place in regard to the Commission taking time to review the testimony and re-read the written briefs, and possibly have a subcommittee to do this. Since no one had enough time to serve on a subcommittee, consensus of the Commission was that after hearing the verbal presentations it would be helpful to them to have time, individually, to re-read their materials.

*Motion was made by Rita Venner to table the Contested Case Appeal for Organic Technologies Corporation until the November meeting. Seconded by Randal Giannetto. Motion carried unanimously.*

**TABLED UNTIL NOVEMBER MEETING**

### **CONTESTED CASE DECISION APPEAL--WEBER CONSTRUCTION, INC.**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 20, 1995, the department issued Administrative Order No. 95-AQ-31 to Weber construction, Inc. That action required compliance with asbestos NESHAP regulations and assessed a penalty of \$4000. That action was appealed by Weber Construction, Inc., and the matter proceeded to administrative hearing on April 25, 1997. The Administrative Law Judge issued a Proposed Decision on May 12, 1997. The decision affirms the department's Order, with the exception of reducing the penalty.

Weber Construction has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

**Appointment - Dave Hughes (Weber Construction contested case)**

Dave Hughes, Cascade, stated that he represents Weber Construction in this matter and he thinks this is a case of government gone absolutely amuck. He circulated two letters he received from DNR. He related that this case was originally scheduled for September 15 and he asked the Commissioners to look at the post mark on the letters. He noted that he received the letters on Friday, September 12, and he was supposed to be before the Commission on Monday, September 15.

Chairman Ehm stated that one letter is postmarked 9/8/97 and the other is 9/10/97.

Mr. Hughes noted that the letter postmarked on 9/8/97 was folded in a way that the complete address did not show through the window, and it was returned to the sender and re-addressed. He related that he did not receive it until Friday, September 12. He stated that the DNR imposed \$13,000 in fines on a bank who bought a structure and had it torn down and hauled away in order to put up a new bank. Mr. Hughes noted that two DNR employees were there once and one was there twice, prior to removal of the building. He related that the DNR says their employee told his client, Gilbert Construction, to contact Brad Azeltine at the DNR. He noted that his brief indicates doubt that Mr. Weber was told to contact Brad Azeltine. He said there is an error on Page 6 of his reply brief regarding "DNR Exhibits M & N" noting that it should be "Exhibits L & M." Mr. Hughes stated that exhibit "L" is the conversation between Brad Azeltine and Mr. Weber on March 3, 1995, in which Mr. Weber told him Joe Sanfilippo didn't mention Mr. Azeltine. He related that the next exhibit, a conversation between Brad Azeltine and Joe Sanfilippo, has no reference to Sanfilippo telling Weber to call Azeltine. Mr. Hughes stated that Mr. Weber was directed by the bank to call the DNR to be sure there wasn't any problem with tearing the building down, and Mr. Weber did so. He reiterated that after the building was torn down the DNR came and inspected, and subsequently imposed a fine. Mr. Hughes asked the Commission to listen to the record and consider the hearing officer, and then ask if every citizen should be willing to subject his fortune at the tune of \$10,000 per day to this kind of an operation. He expanded on the \$5,000 fine being assessed and asserted that the DNR said if they pay half and don't fight about it the department will forget the rest. Mr. Hughes stated that in regard to the floor tiles, Mr. Wilson told him not to bring the samples, so he sealed them in a jar. He told the Commission the samples were from the floor tile in the Chevrolet garage in Cascade and if they have no objections he will take them out of his briefcase and put one in his mouth. Following the Chairman Ehm's objection, Mr. Hughes stated that it has been declared a hazardous substance but one can buy it in the store, take it home, and put it on the floor of their house. He noted that asbestos in the floor tile cannot hurt you unless you inhale it and it sticks in your lungs. He expanded on the costs to citizens for removal of those types of material.

Charlotte Mohr commented that when the asbestos is dislodged is when it causes problems in the air. She added that when it is handled properly there are no problems.

Mr. Hughes stated that his client hauled away the wall materials and had nothing to do with the floor tiles. He related that another contractor removed the floor. He noted that Brad Azeltine's photos are from February 28 and Mr. Weber left the scene February 21, adding that no one knows what happened in the interim. Mr. Hughes noted that the Amish people came down and removed the roof and took the truss rafters, some doors and windows, leaving some rubble.

Mr. Murphy stated that the Administrative Law Judge did a thorough job of reviewing evidence and making appropriate findings and conclusions. He noted that Mr. Weber was hired by the bank to tear down the walls and outer structures and his own statements indicated that he drove over the area and scraped up the wood materials he was responsible for. He added that the testimony indicates the other contractor was not there until after Brad Azeltine made his observation. Mr. Weber, in his own response, admitted that he had been the only one there from his company doing the work. Mr. Murphy stated the ALJ went in detail as to the reasoning of her Findings of Fact regarding Mr. Sanfilippo's statement to Mr. Weber that he should contact Brad Azeltine regarding what is required for a demolition project, and make sure that any asbestos materials be determined and dealt with before the demolition occur. He noted that staff did address, to the extent they knew, both the bank and the other contractor with similar actions. He related that the law judge went through and reduced the penalty initially assessed by the department. Mr. Murphy stated penalties are assessed based on the information at hand, and if a party provides further information staff may reduce the penalties if they see reason to do so.

Chairman Ehm asked if the floor tile was the only source of asbestos.

Mr. Murphy replied that there was also pipe wrap which contained asbestos.

Rita Venner asked why the bank was fined when Mr. Weber chose to proceed with the demolition and ignored the asbestos regulations.

Mr. Murphy noted that the bank was the owner and arranged for the demolition.

A lengthy discussion followed regarding the audit report noting there was asbestos, and exactly when the bank received the notice.

Mr. Hughes stated that the report was prepared for the owner of the building who wanted to sell it to the bank, and it was not given to the bank until a month after the owner received it. He asked that the order be reversed and Mr. Weber be awarded attorney fees.

Mr. Murphy pointed out that the report was directed to the bank, and not the prior owner.

Following considerable discussion on various aspects of the case and arguments by both sides, the Commission took the following action.

<i>Motion was made by Rozanne King to uphold the Administrative Law Judge decision. Seconded by Terrance Townsend.</i>
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Rozanne King commented that one thing that distresses her is the last paragraph of the ALJ decision which indicated poor communication between Mr. Sanfilippo and Mr. Weber. She added that perhaps the field staff could give a person something that is a little more concrete than to just contact them. She related that maybe it was not impressed upon him how important it was to take care of the asbestos.

Randal Giannetto agreed with Commissioner King, adding that the average guy may not know all the regulations regarding asbestos. He noted that the bank had the report and should have known but the little guy gets stuck in the middle. He added that he would vote to overturn the decision.

Discussion followed regarding the reduction in the fine.

Mr. Hughes commented that the DNR inspector came in twice and said he did not see anything that looked like asbestos.

Mr. Murphy stated that the inspector advised them they better check on it. He related that field staff are not involved in the asbestos NESHAP program and they are to refer individuals to the person in the department that runs that program, adding that was done in this case.

*Chairman Ehm requested a roll call vote on Commissioner King's motion to uphold the ALJ decision. "Aye" vote was cast by Commissioners Venner, King, McWilliams, Mohr, Townsend, and Ehm. "Nay" vote was cast by Commissioner Giannetto. Motion carried on a vote of 6-Aye to 1-Nay.*

#### ALJ DECISION UPHELD

Commissioner King asked if field staff could have something more informative for people so they do not get caught in the middle.

Mr. Stokes stated that the department has, in concert with UNI and several others, produced a pamphlet that explains the asbestos regulations and requirements, and it will be put in the hands of the appropriate field staff to use as a handout. He related that in these cases one must be careful not to rely on simple fact sheets or brochures, adding that with the complexity of the department's environmental programs it is perfectly legitimate for staff to refer people to call the person who is the expert in a particular field and can talk the person through the requirements. He added that was done in this case and it will continue to be done.

#### REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.



The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Daryl Larson (Delmar) - water pollution
- b. Dean Williams (Stuart) - underground tanks
- c. John Adam (Keokuk County) - water pollution (tabled item - a consent administrative order may be presented)
- d. Daniel Jay Peterson, dba Peterson Backhoe (Dumont) - air quality
- e. Home Asbestos & Lead Abatement Services, Inc. (West Des Moines) - air quality

#### **Daryl Larson**

Mr. Murphy briefed the Commission on the history of this case involving liquid discharge from a slurry storage tank to a waterway and on into a creek. He noted that this party has had numerous past violations including criminal convictions.

Chairman Ehm asked in terms of the "3-strikes and you're out rule", if there are any strikes against him.

Mr. Murphy replied that the past violations were prior to the 3-strikes rule so there are none against him

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.*

**REFERRED**

#### **Dean Williams**

Mr. Murphy briefed the Commission on the history of this case involving underground petroleum tank violations and failure to receive a site assessment.

*Motion was made by Dean McWilliams for referral to the Attorney General's Office. Seconded by Rita Venner. Motion carried unanimously.*

**REFERRED**

### **John Adam**

Chairman Ehm stated that this case was previously tabled and will need to be removed from the table.

*Motion was made by Charlotte Mohr to remove the John Adam referral from the table. Seconded by Terrance Townsend. Motion carried unanimously.*

Mr. Murphy discussed details of this case involving the discharge of swine confinement wastes from a feeding operation in Keokuk County. He related that the Commission, at their July meeting, urged the staff to work it out administratively and staff have prepared a draft Administrative Consent Order. He noted that the Commission received copies of the draft and staff needs Commission approval because the penalty exceeds \$3,000. He related that he is asking for concurrence with the resolution of the matter through the consent order.

*Motion was made by Rozanne King to approve the consent order as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED CONSENT ORDER**

### **Daniel Jay Peterson, dba Peterson Backhoe**

Mr. Murphy briefed the Commission on the history of this case involving air quality violations.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Dean McWilliams. Motion carried unanimously.*

**REFERRED**

### **Home Asbestos & Lead Abatement Services, Inc.**

Mr. Murphy briefed the Commission on the history of this case involving air quality violations. He noted that there is an issue in this case whether a principal in the corporation can be held liable, and staff are asking that the corporation and the individual be referred.

Brief discussion followed regarding the corporation being dissolved.

*Motion was made by Terrance Townsend for referral of both parties to the Attorney General's Office. Seconded by Rozanne King*

**REFERRED**

## **EARTHERN LAGOONS AND WATER QUALITY**

Allan Stokes reviewed that last month the Commission asked for additional information on earthen lagoons, primarily to put some clarity on the recommendations by AACO's proposed rule versus the department's proposed rule. He introduced Ubbo Agena, EPD staff, to give a presentation.

Ubbo Agena provided the following overhead presentation (several example drawings are missing).

### **Comparison of DNR/AACO Recommendations - Lagoons & Earthen Basins**

#### **Lagoons & Water Table - Current Rules**

- Recommendation - top of liner be a minimum of 4 feet above water table
- In no case can top of lagoon liner be below water table
- If top of liner is less than 2 feet above water table, synthetic liner required
- Maximum seepage allowed - 1/16 inch per day

#### **Lagoons & Water Table - Current Rules**

- If perched water table exists, permanent artificial lowering of water table may be considered
  - Each site considered on its own merits
  - Drainage system used to lower water table: either gravity flow or mechanical (pumped) drainage can be approved

(drawing #1)

**Lagoons & Water Table - DNR Recommendations**

- Maintain current rule requirements, except further restrict the use of drainage systems for permanently lowering the water table by only allowing use of systems which outlet by gravity flow (ie - systems which use pumps or other mechanical devices would not be allowed)

**Lagoons & Water Table -**

**AACO Recommendations**

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- Recommend top of liner be a minimum of 4 feet above water table
- If top of liner is less than 2 feet above water table - applicant must use one of identified options to manage groundwater movement, and must identify how groundwater will be managed during construction & operation of lagoon

**Groundwater Management Options # 1/2 - AACO**

1. Use synthetic liner (same as current rules & DNR recommendations)
2. Install drainage system to permanently lower water table - could use either gravity flow or pumped outlet drainage systems (same as current rules, less restrictive than DNR recommendation to only allow gravity flow drainage systems)

**Groundwater Management Options 3-5**

- Specify conditions under which lagoons &/or basins could be constructed and operated below water table
- Theory behind options is that the smaller the difference in water levels inside & outside the structure, the smaller the difference in water pressure and resulting seepage rates

**AACO Option #3 - Lagoons**

- Install groundwater management system and monitoring systems that measure lagoon and water table levels
- Manage groundwater so water table level does not go above 50% of lagoon's minimum design volume
- Limit manure removal such that lagoon level is not lowered more than 12 inches below monitored water table level

(drawing #2)

**Anaerobic Lagoon Design - DNR Chapter 23 Rules**

- Sludge Storage - long term sludge storage (between periods of sludge disposal)
  - Minimum Design Volume - minimum lagoon volume required for bacteria to effectively decompose manure
  - Manure Storage - storage for manure produced between disposal periods
  - Dilution Volume - water required to prevent toxic nutrient concentrations
  - Safety Volume - storage for rainfall, etc.
- 

(drawing #3)

**AACO Option 4 - Lagoons & Earthen Basins**

- If water table is less than 2 feet below top of lagoon or basin liner, water table must be managed to remain below top of first layer of low permeability soil
- Low permeability soil layer must:
  - Be at least 5 feet thick
  - Extend to 2 feet below lagoon or basin liner

(drawing #4)

**AACO Option 5 - Lagoons & Earthen Basins**

- If water table is above top of lagoon or basin liner, slurry wall shall be installed from soil surface to a depth at least 2 feet into first layer of low permeability soil
- Low permeability soil layer shall:
  - Be at least 5 feet thick
  - Extend to 2 feet below lagoon or basin liner

**AACO Option 5 - Lagoons & Earthen Basins**

- Slurry wall must be at least 2 feet thick, and constructed with permeability of less than or equal to 10<sup>-7</sup> cm/sec
  - Upon completion, results of testing program to demonstrate adequacy of slurry wall shall be provided to DNR
- 

**AACO Options 3-5**

- DNR agrees with principles of theory behind AACO recommendations, but feels AACO recommendations ignore:
  - Lack of research demonstrating safety of constructing & operating earthen manure structures below water table
  - Significant operation & management concerns that will ultimately determine if structures can safely be operated below water table

**DNR Concerns**

- Liners used to control seepage from lagoons & basins are designed & constructed to resist water pressure acting outward, but not inward
- If the water table adjacent to a lagoon or basin rises above liquid level inside structure, water pressure will reverse & push inward against liner - may destabilize soils, damage liner

**DNR Concerns**

- Initial construction - For larger structures, will take considerable time (weeks to months) before liquid levels in structure will reach level of adjacent water table
- During this period, water pressure will be acting inward & may damage liner
- For example (4000 head finisher), would take 40 days of continuous pumping @ 100 gpm to fill to 7 feet level

**DNR Concerns - Operation**

- To maintain liner integrity, essential that water table not exceed lagoon level:
  - Will require high level of management, making sure that amount of liquid removed from structure not reduce level below that of water table
  - Experience continues to show deficiencies in management of many operations - little reason to assume this will be different

**DNR Concerns - Operation**

- If water table is controlled by pumps or other mechanical systems, power failure/mechanical problems could raise water table above lagoon level
- Redundant power/pumping systems may reduce, but do not eliminate, potential problems

**DNR Concerns**

- Liner damage may not be visible, only be detected after significant groundwater contamination occurs
- Little, if any, research exists on the long term impacts of using lagoons constructed below water table - shouldn't put Iowa's groundwaters at risk just to allow use of these systems

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Chairman Ehm asked Mr. Agena to clarify the slurry wall concept.

Mr. Agena stated that he does not know a lot about slurry techniques, but it won't be seen often because it is not cost effective.

Commissioner Mohr asked that a hard copy of Mr. Agena's presentation be sent to each Commissioner.

<b>INFORMATIONAL ONLY</b>
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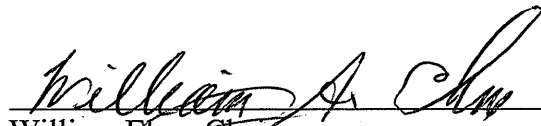
**1998 LEGISLATION**

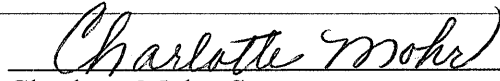
Don Paulin, Deputy Director, verbally presented the following legislative proposals and asked the Commission to give some thought to these proposals.

- Restructuring of Waste Tire Fund - a proposal to deal with restructuring some of the financial portion of the waste tire legislation of two years ago. That bill created, from an existing \$5.00 vehicle registration fee, is expected to generate \$16,000,000 over a six year period and goes into the waste tire management fund. A portion of those funds allows up to \$100,000 for the Regents institutions as an incentive for them to burn tire derived fuel. Also, the tire processors of the state can access \$20,000 each up to an aggregate of \$300,000. Since it is unlikely all of those funds will be tapped, the proposal would be to restructure those funds so that those unused monies could be made available to private enterprise to accomplish beneficial use of waste tires.
- Reduction of Landfill Tonnage Fees - Two legislative committees are studying the possible reduction of landfill tonnage fees. Based on the outcome of those committees, we may be submitting legislation. Our general position is that any reduction should not apply across the board but rather come out of the Landfill Alternatives fund.
- Ban Waste Oil Filters from Landfills - a meeting is being scheduled with the backers of this proposal and the petroleum distributors of the state. The distributors are concerned with some areas not having any place for the filters to go and people disposing of them improperly. The Department is not making a legislative proposal at this time.

- Repeal requirement for the Department to establish a Toll-Free Pollution Hotline - This requirement has been on the books for a number of years and there has never been a source of revenue for it. The department does have an Emergency Response Hotline.
  - Repeal requirement for the Commission to adopt rules establishing criteria for classification and prioritization of pesticide and fertilizer contaminated sites. No resources have ever been appropriated to do this.
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- Change or eliminate the requirement that the department must approve or deny a livestock application within 60 days after receipt of a complete application. On some applications the Department finds it difficult to do as thorough review as we would like to and/or meet the 60 day deadline. Proposal is to eliminate the requirement or extend it to a workable timeline.
  - Eliminate the 14 day time period the county has for comment after they receive a copy of the application. It is an unnecessary restriction - they should have the same right as anyone else in the state and be able to comment anytime during the permitting process
  - Require all operators of state permitted livestock facilities and contract manure applicators to be certified by the state. The certification process could be developed by DALS, Iowa State University, DNR or a combination of those entities. This will provide the operators with a greater knowledge of what they need to do.
  - Allow the Environmental Protection Division to deny permits of any type for someone who is a habitual violator or has an enforcement action pending against them.
  - If necessary, expand or clarify SF 472, passed last session to prevent a habitual violator or those with an enforcement action against them from splitting off (a foreman, a spouse or other family member, etc., from going across the road or county) and starting another operation.
  - Approve or deny permits for all confinement feeding operations at some level above the small animal feeding threshold (200,000 lbs.). This could include the group between 200,000 lbs. and 625,000 lbs. using forced storage. A permit would be issued and require an up front manure management plan that would have to be approved, for new construction of these facilities. This may be accomplished by a general permit.
  - Require livestock operators who hold state permits to inject manure into the ground rather than surface apply. To allow for equipment transition, this proposal would be for future implementation, possibly two years in the future, and could have several exceptions.
  - Ban the spreading of manure on frozen or snow covered land for those who hold a state permit. This is currently a suggested guideline and several runoff problems have occurred because the guidelines have not been followed. This also may require exceptions.
  - Delete section that limits enforcement of violations of manure management plans to the assessment of a civil penalty only. This would provide for going beyond the civil penalty.



  
\_\_\_\_\_  
William Ehm, Chair

  
\_\_\_\_\_  
Charlotte Mohr, Secretary

- Delete the requirement that an administrative penalty above \$3,000 has to come to the Commission for approval. This does not deny any appeal rights to the Commission or the courts. This section currently gives the perception of a conflict as the Commission approves the penalty, then the appeal comes back before the same people who approved it in the beginning.

Chairman Ehm stated that he does not disagree, in theory, with restricting the application of manure on frozen ground, but between the time the ground is frozen and the time it is ready for raising crops, and the time the ground is incapable of being worked there is only about a two week period and logistically it will be very difficult. He added that snow covered ground is different and there have been tremendous problems in the state with that already.

Mr. Paulin stated that staff does not feel limited by this listing and if something comes up that cannot wait another year it could also be included in the packet.

Director Wilson asked the Commissioners to let Mr. Paulin know if there is anything they would like to see included. He added that this listing is being presented in concept and written proposals will be included in the Commissioners packet for consideration at the November meeting. Additions and changes are a possibility.

<b>INFORMATIONAL ONLY</b>
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#### **NEXT MEETING DATES**

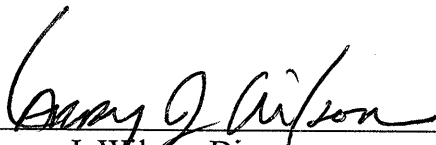
November 17, 1997

December 15, 1997

January 20, 1998 (Tuesday)

#### **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 3:45 p.m., Monday, October 20, 1997.

  
\_\_\_\_\_  
Larry J. Wilson, Director

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